

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMIE L. TEDFORD,

Plaintiff,

JURY DEMANDED

vs.

No. 1:14-cv-975

OTERO COUNTY HOSPITAL
ASSOCIATION, INC. d/b/a GERALD
CHAMPION REGIONAL MEDICAL
CENTER and SCENIC VIEW
SURGERY CENTER; QUORUM
HEALTH RESOURCES, LLC; and
CHARLES THOMPSON,

Defendants.

COMPLAINT FOR NEGLIGENCE AND DAMAGES

1. Plaintiff Jamie L. Tedford is a resident and citizen of Lowndes County, Mississippi.
2. Defendant Otero County Hospital Association, Inc., on information and belief, owns and operates Gerald Champion Regional Medical Center (hereinafter referred to as, "Gerald Champion"). Defendant Gerald Champion, on information and belief, operates and owns Scenic View Surgery Center. On information and belief, Gerald Champion employed Defendant Quorum Health Resources, LLC to supervise and direct the daily operations of Gerald Champion during the time at which the acts complained of herein took place.
3. Gerald Champion can be served with service of process through its

registered agent, John D. Wheeler at 500 East Tenth St. Ste. 305, Alamogordo, NM 88310.

4. Defendant Quorum Health Resources, LLC (“Quorum Health”), on information and belief, is a foreign limited liability company that is authorized to and does do business in New Mexico. Quorum Health is a healthcare management company which supervised and directed the daily operations of Gerald Champion during the time at which the acts complained of herein took place. On information and belief, Quorum Health employed Defendant Charles Thompson who assisted Dr. William Pollard in the Plaintiff’s surgery more fully described below.

5. Defendant Quorum Health can be served with process through its registered agent CSC of Lea County located at 1819 N. Turner Street Suite G, Hobbs, NM 88240.

6. Defendant Thompson, on information and belief, resided in and is a citizen of Otero County, New Mexico.

7. Defendants Gerald Regional and/or Quorom Health, on information and belief, employed or contracted with Defendant Thompson and/or other attendees at the November 4, 2011 surgery described more fully below. Therefore, Defendants Gerald Regional and/or Quorom Health are responsible for Defendant Thompson’s and/or other attendees’ negligent actions as more fully described below pursuant to the doctrine of *respondeat superior*.

8. On information and belief, none of the Defendants are qualified healthcare providers under the New Mexico Medical Malpractice Act during the time the events

herein occurred.

9. The amount at issue in this matter exceeds \$75,000.00.

10. Jurisdiction and venue are proper in this Court.

FACTS APPLICABLE TO ALL COUNTS

11. On November 4, 2011, Plaintiff Tedford went to Gerald Champion's Scenic View Outpatient Surgery Center for a surgical repair of a hernia by Dr. Pollard.

12. The surgery staff consisted of the first scrub Defendant Thompson and a nurse anesthetist, Kenneth Paul Yeager, and a registered nurse Shannon Rust.

13. During the surgery, on information and belief, Defendant Thompson "apparently held down the cautery pencil with his forearm, which caused a burn to the left lower quadrant." According to Dr. Pollard, the burn was "close to full-thickness through the skin."

14. Although Dr. Pollard did his best to repair the burn, the burn still caused significant scarring to the Plaintiff's abdomen area.

15. As a result of Defendant Thompson's and/or other attendees' (as employees or agents of Defendants Gerald Regional and/or Quorum Health) actions, Plaintiff suffered damages more fully described below.

COUNT I
NEGLIGENCE

16. Plaintiff incorporates the above paragraphs as though fully set forth herein.

17. Defendant Thompson owed a duty to Plaintiff to act as a reasonable person would holding and/or operating a cauterization pencil while near a person's skin.

18. Defendant Thompson breached that duty by holding “down the cautery pencil with his forearm, which caused a burn to the left lower quadrant.”

19. As the direct and proximate result of Defendant Thompson’s breaches, Plaintiff has suffered damages including, on information and belief, past medical bills, past pain and suffering, future medical bills, future pain and suffering, past emotional distress, and future emotional distress, and disfigurement.

WHEREFORE, Plaintiff requests that this Court enter its Judgment for the Plaintiff for compensatory and special damages in an amount to be proven at trial, pre and post judgment interest, costs, and any additional relief the Court deems appropriate.

Respectfully Submitted,

THE DAVIS LAW FIRM, LLC

By: 

Ben Davis

111 Tulane Dr. SE

Albuquerque, NM 87106

Tel: (505) 750-8742

Fax: (505) 559-4808

E-mail: bdavis@tdlf-law.com

Attorney for Plaintiff